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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,248	06/20/2003	Michael T. Gattone	13791	5549

7590 01/18/2005
PAUL F. DONOVAN
ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
GLENVIEW, IL 60025

EXAMINER

TSO, LAURA K

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,248

Applicant(s)

GATTONE ET AL.

Examiner

laura tso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the headlamp panel (except for the subject matter shown in figure 6), the housing and the headlamp reflector must be shown or the features canceled from the claims.** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

Specification

The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9, 10, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Denley (US 2001/0030875).

Denley discloses a headlamp adjuster [100a] including a headlamp panel, a housing [110a], a shaft [104a] having an end [108a] for engaging a headlamp reflector [24] and a screw thread [106a] and an adjustment gear [130a] defining a hole [132a] with threads therein [para. 0037], as claimed. The rotary input device comprises a drive gear [134a] adapted for engagement to a rotary tool [para. 0042, lines 2-3]. The panel defining a hole with cuts arranged on the perimeter [para. 33, line 16], the housing having tabs [116a], as claimed.

Claims 1, 2, 3, 9, 12-14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al. (5,381,317).

Schmitt discloses a headlamp adjuster [20] including a headlamp panel [26], a housing, a shaft [40] having an end [42] for engaging a headlamp reflector [44/22] and a screw thread [column 3, line 33] and an adjustment gear [34 and 56] defining a hole with threads therein [figure 12], as claimed. The rotary input device may be a screwdriver [column 6, line 67+] that first into well when screwdriver is aligned with journal [104]. The panel defines a hole [figure 1]. The headlamp adjuster may also be adjusted using handle [98].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 6-8, 11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denley.

Denley does not disclose the rotary input device is a hex drive screwdriver tool. However, hex drive tools are well known and available to those working in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hex drive screwdriver tool as the rotary input device in the device of Denley as there tools are known and available.

Denley does not disclose the housing and the adjustment gear are made of plastic. He does disclose the shaft as being made of plastic [para. 35]. Plastic is flexible, inexpensive and easily molded. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housing

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and adjustment gears in the device of Denley of plastic as this material is flexible, inexpensive and easily molded. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice..

Claims 4, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al.

Schmitt does not disclose the rotary input device is a hex drive tool. However, hex drive tools are well known and available to those working in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hex drive tool as the rotary input device in the device of Schmitt as there tools are known and available.

Schmitt does not disclose the housing, the shaft and the adjustment gear are made of plastic. Plastic is flexible, inexpensive and easily molded. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housing, the shaft and adjustment gears in the device of Schmitt of plastic as this material is flexible, inexpensive and easily molded. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note patents/publications by Burton, Tanaka et al., Shirai et al., and Dobler et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M, W, F noon-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


laura tso
Primary Examiner
Art Unit 2875